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8 IN THE UNITED STATES DISTRICT COURT FOR THE
9 EASTERN DISTRICT OF CALIFORNIA
10

11 UNITED STATES OF AMERICA,)	2:04-CR-0279 FCD
)	
12 Plaintiff,)	PRELIMINARY ORDER OF
)	FORFEITURE
13 v.)	
)	
14 JOHN WESTON,)	
)	
15 Defendant.)	
)	

16
17 Based upon the plea agreement entered into between plaintiff
18 United States of America and defendant John Weston, it is hereby
19 ORDERED, ADJUDGED AND DECREED as follows:

20 1. Pursuant to 18 U.S.C. § 2253, the following property shall
21 be condemned and forfeited to the United States of America, to be
22 disposed of according to law:

- 23 a. Maxtor hard drive, # 82187A5;
- 24 b. One CDR labeled KS-3a seized from the defendant's
25 residence; and
- 26 c. ERX computer, serial number 012179836, including two
connected hard drives.

27 2. That the above-listed property was used or intended to be
28 used to commit or to promote the commission of a violation of 18

1 U.S.C. § 2252A(a)(5)(B).

2 3. The aforementioned property shall be seized and held by the
3 Department of Homeland Security, Bureau Of Immigration and Custom
4 Enforcement, in its secure custody and control.

5 4. a. Pursuant to 18 U.S.C. § 2253(m)(1) and Local Rule
6 83-171, the United States forthwith shall publish at least once for
7 three successive weeks in the Daily Recorder (Sacramento County),
8 newspaper of general circulation located in the county in which the
9 above-described property was seized, notice of this Order, notice of
10 the Department of Homeland Security, Bureau Of Immigration and
11 Custom Enforcement's intent to dispose of the property in such
12 manner as the Attorney General and/or the Secretary of Treasury may
13 direct, and notice that any person, other than the defendant, having
14 or claiming a legal interest in the above-listed forfeited property
15 must file a petition with the Court within thirty (30) days of the
16 final publication of the notice or of receipt of actual notice,
17 whichever is earlier.

18 b. This notice shall state that the petition shall be for
19 a hearing to adjudicate the validity of the petitioner's alleged
20 interest in the property, shall be signed by the petitioner under
21 penalty of perjury, and shall set forth the nature and extent of the
22 petitioner's right, title or interest in the forfeited property and
23 any additional facts supporting the petitioner's claim and the
24 relief sought.

25 c. The United States may also, to the extent practicable,
26 provide direct written notice to any person known to have alleged an
27 interest in the property that is the subject of the Order of
28 forfeiture, as a substitute for published notice as to those persons

1 so notified.

2 5. If a petition is timely filed, upon adjudication of all
3 third-party interests, if any, this Court will enter a Final Order
4 of Forfeiture pursuant to 18 U.S.C. § 2253 in which all interests
5 will be addressed.

6 SO ORDERED this 7th day of July, 2005.

7
8 /s/ Frank C. Damrell Jr.
9 FRANK C. DAMRELL, JR.
United States District Judge